

**FIFTIETH LEGISLATIVE DAY  
MONDAY, FEBRUARY 28, 2005**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused -- Schaefer. Total -- 1.  
Total -- 70.

Prayer was offered by Representative Nielsen.

The Pledge of Allegiance was led by Tabitha Grad, Page.

**Approval of Journal**

February 28, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-seventh Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

February 25, 2005

Mr. Speaker:

I return herewith enrolled **HCR 7**, **HJM 1**, and **HJM 2** which have been signed by the President.

WOOD, Secretary

Enrolled **HCR 7**, **HJM 1**, and **HJM 2** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

February 25, 2005

Mr. Speaker:

I transmit herewith **S 1084** and **S 1110** which have passed the Senate.

WOOD, Secretary

**S 1084** and **S 1110** were filed for first reading.

**Report of Standing Committees**

February 28, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 17**, **H 265**, **H 266**, **H 267**, **H 268**, **H 269**, **H 270**, and **H 271**.

FIELD(18), Chairman

**HCR 17** was referred to the Education Committee.

**H 265** and **H 268** were referred to the Health and Welfare Committee.

**H 266**, **H 267**, and **H 271** were referred to the Local Government Committee.

**H 269** was referred to the State Affairs Committee.

**H 270** was referred to the Transportation and Defense Committee.

February 28, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 66**, **H 51**, **H 59**, **H 91**, **H 24**, **H 39**, **H 22**, and **H 126**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 66**, **H 51**, **H 59**, **H 91**, **H 24**, **H 39**, **H 22**, and **H 126**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 28, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 6** to the Secretary of State at 11:36 a.m., as of this date, February 25, 2005.

FIELD(18), Chairman

February 25, 2005

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 152**, **H 153**, and **H 154** and recommend that they do pass.

STEVENSON, Chairman

**H 152**, **H 153**, and **H 154** were filed for second reading.

February 25, 2005

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 263** and recommend that it do pass.

BLACK, Chairman

**H 263** was filed for second reading.

February 25, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 157** and recommend that it do pass.

FIELD(18), Chairman

**H 157** was filed for second reading.

February 28, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 213**, **H 219**, **H 220**, and **H 221** and recommend that they do pass.

DEAL, Chairman

**H 213**, **H 219**, **H 220**, and **H 221** were filed for second reading.

February 28, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **S 1074**, as amended, and recommend it be referred to the Ways and Means Committee.

DEAL, Chairman

**S 1074**, as amended, was referred to the Ways and Means Committee.

February 28, 2005

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **S 1050** and recommend that it do pass.

BARRACLOUGH, Chairman

**S 1050** was filed for second reading.

February 28, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 165** and recommend that it do pass.

CROW, Chairman

**H 165** was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 272  
BY JUDICIARY, RULES, AND ADMINISTRATION  
COMMITTEE**

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2713, IDAHO CODE, TO PRESCRIBE CONDITIONS FOR SALE OF ANY COMPOUND, MIXTURE, OR PREPARATION CONTAINING CERTAIN QUANTITIES OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS, OR SALTS OF OPTICAL ISOMERS WITH EXCEPTIONS AND TO PROVIDE PROCEDURES.

**HOUSE BILL NO. 273  
BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE TAX CREDIT AND ECONOMIC DEVELOPMENT EXPENDITURE ACCOUNTABILITY ACT; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4725, IDAHO CODE, TO PROVIDE PURPOSE, TO DEFINE "ECONOMIC DEVELOPMENT EXPENDITURE," TO PROVIDE FOR REPORTING TO THE DIRECTOR OF COMMERCE AND LABOR, TO DEFINE "JOBS," TO DEFINE "WAGES," TO DETAIL INFORMATION THE REPORT SHALL CONTAIN, TO PROVIDE FOR REPORTS BY THE DIRECTOR OF THE DEPARTMENT OF COMMERCE AND LABOR AND TO PROVIDE CIVIL PENALTIES.

**HOUSE BILL NO. 274  
BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO THE ROBERT R. LEE PROMISE SCHOLARSHIP; AMENDING SECTION 33-4305, IDAHO CODE, TO PROVIDE ADDITIONAL PURPOSES; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4306A, IDAHO CODE, TO PROVIDE ELIGIBILITY CRITERIA FOR DRUG, ALCOHOL AND TOBACCO FREE CATEGORY STUDENTS, TO PROVIDE THAT DRUG, ALCOHOL AND TOBACCO FREE CATEGORY STUDENTS SHALL REMAIN DRUG, ALCOHOL AND TOBACCO FREE AND TO PROVIDE PROCEDURES; AND AMENDING SECTION 33-4307, IDAHO CODE, TO PROVIDE THE AMOUNT AND LENGTH OF THE AWARD FOR DRUG, ALCOHOL AND TOBACCO FREE CATEGORY STUDENTS, TO PROVIDE FOR REPORTS, TO PROVIDE FOR RULES, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 275  
BY REVENUE AND TAXATION COMMITTEE**  
AN ACT

RELATING TO DEFERRING TAXES ON CERTAIN REAL PROPERTY; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 63, IDAHO CODE, TO PROVIDE A STATEMENT OF PURPOSE, TO PROVIDE DEFINITIONS, TO PROVIDE THAT A CLAIM FOR PROPERTY TAX DEFERRAL IS PERSONAL AND TO PROVIDE EXCEPTIONS, TO PROVIDE THE FORM OF CLAIMS, TO PROVIDE THE AMOUNT OF DEFERRAL, TO PROVIDE FOR FILING A CLAIM AND TO PROVIDE TIME REQUIREMENTS, TO PROVIDE FOR DURATION OF DEFERRAL AND TO PROVIDE FOR PAYMENT AT CESSATION OF DEFERRAL, TO PROVIDE PENALTIES FOR FAILURE TO GIVE NOTICE OF TRANSFER OF OWNERSHIP; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING APPLICATION TO TAX YEAR 2005.

**HOUSE BILL NO. 276  
BY REVENUE AND TAXATION COMMITTEE**  
AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-3427, IDAHO CODE, TO REMOVE A REFERENCE TO

ANNUAL REPORTS AND TO REVISE PROVISIONS APPLICABLE TO PREMIUM TAXES AND FEES PAID BY SERVICE CORPORATIONS.

**HOUSE BILL NO. 277**  
**BY REVENUE AND TAXATION COMMITTEE**  
**AN ACT**

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3026A, IDAHO CODE, TO PROVIDE THAT FOR STATE INCOME TAX PURPOSES WHEN INTANGIBLE PROPERTY OWNED BY A PARTNERSHIP, LIMITED LIABILITY COMPANY, OR OTHER ENTITY TAXED AS A PARTNERSHIP FOR FEDERAL INCOME TAX PURPOSES GENERATES DIVIDENDS, INTEREST, CAPITAL GAINS OR SIMILAR PROFITS OR RETURNS, SUCH INCOME SHALL NOT CONSTITUTE INCOME DERIVED FROM OR RELATED TO SOURCES WITHIN IDAHO, PROVIDED THAT THE BUSINESS ACTIVITY OF SUCH ENTITY IS LIMITED TO THE INVESTMENT IN SECURITIES AND ACTIVITIES INCIDENT THERETO; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**H 272, H 273, H 274, H 275, H 276, and H 277** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1084 and S 1110**, by Transportation Committee, were introduced, read the first time by title, and referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**H 262**, by Appropriations Committee, was read the second time by title and filed for third reading.

**HCR 16 and H 230**, by State Affairs Committee, were read the second time by title and filed for third reading.

**H 191, H 192, and HCR 12**, by Health and Welfare Committee, were read the second time by title and filed for third reading.

**S 1078**, by Health and Welfare Committee, was read the second time by title and filed for third reading.

**H 54**, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

**H 231**, by Education Committee, was read the second time by title and filed for third reading.

**H 11**, as amended in the Senate, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

**H 16** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Kemp to open debate.

The question being, "Shall **H 16** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydall, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Sali, Schaefer. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 16** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 17** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bradford to open debate.

The question being, "Shall **H 17** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydall, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Sali, Schaefer. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 17** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 18** was read the third time at length, section by section,

and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall **H 18** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Moyle, Sali, Schaefer. Total -- 3.  
Total -- 70.

Whereupon the Speaker declared **H 18** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 183** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall **H 183** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Sali, Schaefer. Total -- 2.  
Total -- 70.

Whereupon the Speaker declared **H 183** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 136** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open

debate.

The question being, "Shall **H 136** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Sali, Schaefer. Total -- 2.  
Total -- 70.

Whereupon the Speaker declared **H 136** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 137** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet and Mr. Snodgrass to open debate.

The question being, "Shall **H 137** pass?"

Roll call resulted as follows:

AYES -- Anderson, Bastian, Bell, Bilbao, Black, Block, Boe, Cannon, Chadderdon, Clark, Collins, Deal, Edmunson, Eskridge, Garrett, Henderson, Jaquet, Jones, Lake, Martinez, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Sayler, Shepherd(2), Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills. Total -- 38.

NAYS -- Andrus, Barraclough, Barrett, Bayer, Bedke, Bolz, Bradford, Crow, Denney, Ellsworth, Field(18), Field(23), Hart, Harwood, Henbest, Kemp, LeFavour, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Raybould, Rydalch, Sali, Shepherd(8), Shirley, Skippen, Wood, Mr. Speaker. Total -- 31.

Absent and excused -- Schaefer. Total -- 1.  
Total -- 70.

Whereupon the Speaker declared **H 137** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 140** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Edmunson to open debate.

The question being, "Shall **H 140** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, McGeachin, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Saylor, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 61.

NAYS -- Barrett, Loertscher, Martinez, Mathews, McKague, Moyle, Sali, Wood. Total -- 8.

Absent and excused -- Schaefer. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 140** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 141** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bilbao to open debate.

The question being, "Shall **H 141** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, McGeachin, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Saylor, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 61.

NAYS -- Barrett, Crow, Loertscher, Mathews, McKague, Moyle, Wood. Total -- 7.

Absent and excused -- Sali, Schaefer. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 141** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 161** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall **H 161** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford,

Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Saylor, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Lake, McKague, Schaefer. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 161** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 200** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

The question being, "Shall **H 200** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, McGeachin, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Roberts, Rusche, Rydalch, Saylor, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 58.

NAYS -- Barrett, Bayer, Bedke, Crow, Loertscher, Mathews, McKague, Moyle, Ringo, Sali, Wood. Total -- 11.

Absent and excused -- Schaefer. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 200** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 92** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shepherd (8) to open debate.

The question being, "Shall **H 92** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett,

Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Schaefer. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 92** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 229** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Smith(30) to open debate.

The question being, "Shall **H 229** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Schaefer. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 229** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mrs. Field(18) asked unanimous consent that **H 208** be returned to the Judiciary, Rules, and Administration Committee. There being no objection, it was so ordered.

**H 128** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sali to open debate.

The question being, "Shall **H 128** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett,

Hart, Harwood, Henderson, Jones, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 58.

NAYS -- Boe, Henbest, Jaquet, LeFavour, Martinez, Mitchell, Pasley-Stuart, Pence, Ringo, Skippen, Smith(30). Total -- 11.

Absent and excused -- Schaefer. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 128** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Lake, having voted on the prevailing side, served notice that he may ask for reconsideration of the vote by which **H 137** passed the House.

**H 137** was ordered held at the Desk.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Thirteenth Order of Business.

### Miscellaneous and Unfinished Business

Notice having been served and having voted on the prevailing side, Mr. Lake moved that the House now reconsider the vote by which **H 137** passed the House. Seconded by Mr. Clark.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bayer, Bedke, Bolz, Bradford, Cannon, Clark, Crow, Denney, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Raybould, Roberts, Rydalch, Sali, Shepherd(8), Shirley, Skippen, Wills, Wood, Mr. Speaker. Total -- 37.

NAYS -- Bastian, Bell, Bilbao, Black, Block, Boe, Chadderdon, Collins, Deal, Edmunson, Henbest, Henderson, Jaquet, Jones, LeFavour, Martinez, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Rusche, Sayler, Shepherd(2), Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail. Total -- 32.

Absent and excused -- Schaefer. Total -- 1.

Total -- 70.

Whereupon the Speaker declared the motion to reconsider carried.

Mr. Denney asked unanimous consent that **H 137** be held for reconsideration one legislative day. There being no objection, it

was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 10:45 a.m., Tuesday, March 1, 2005. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:09 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk